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May 17, 2023

The Honorable Jamar Walker  
Walter E. Hoffman United States Courthouse  
600 Granby Street  
Norfolk, VA 23510-1915

Dear Judge Walker:

I am writing to give my highest possible recommendation to Daniel Stainkamp for a 2024-2025 clerkship position in your chambers. I have been writing clerkship letters of recommendation for exceptionally bright law students for twenty years at Berkeley Law and UC Davis Law School and Daniel certainly ranks at the top of that list. As a federal court practitioner for thirty years before entering the academy I think I also have considerable pragmatic insight as to the qualities that a successful clerk needs to possess in addition to intellectual brilliance. I can attest to the fact that Daniel has those skills in abundance as well.

For the past few years, I have been a Visiting Scholar at UNC Chapel Hill researching a book on the criminal and civil rights trials arising out of the 1979 Greensboro Massacre. My introduction to Greensboro was as a restorative justice scholar researching the Greensboro Truth and Reconciliation Commission. Over a year ago Daniel was recommended to me as a superlative researcher and editor, and he has exceeded my expectations. Ordinarily I would not have considered a first-year law student for a demanding legal and historical research project, but Daniel was the rare exception. During the course of our collaboration, he has become indispensable to the project. Engaging with Daniel is more akin to working with a colleague than teaching a student.

The research project has required Daniel to organize and make sense of massive amounts of information, execute detailed instructions, exercise considerable initiative, and think creatively. He is an independent thinker but readily takes instruction. His analysis of legal rules and concepts is rigorous, and his writing is glorious yet clear and concise. He is capable of mastering the most theoretical and obscure material and then translating it into accessible language. Daniel's intellectual rigor is matched only by his prodigious work ethic, his leadership abilities, and his sense of ethics. He easily accomplishes the work of three people while at the same time keeping his focus on the task at hand. A mature, nuanced, and sophisticated thinker, Daniel's analysis of both legal and societal issues is always astute.

In my years in practice, I worked extensively with judges as the Ninth Circuit Attorney Representative and on various committees as well as Inns of Court and their consistent complaint about newly minted lawyers was that they had not been trained for practice. As judges they would employ exceedingly bright young attorneys who were of limited use to them because they were incapable of focusing on the practical issue at hand. In contrast, Daniel's extensive experience as a journalist and his focus on solutions mean that he will be able to hit the clerkship ground running.

Finally, Daniel is an absolute joy to work with. Intellectually curious, imaginative, conscientious, and empathetic, his insights always add a new dimension to any conversation. He always takes the work seriously without taking himself too seriously. He is also a person whose judgment I have grown to implicitly trust. He would be such a valuable asset to any judicial chambers.

I hope you will give Daniel's application the most serious consideration. Please do not hesitate to contact me if you require further information.

Sincerely,

Mary Louise Frampton  
Professor of Law Emerita  
UC Davis School of Law

Mary Louise Frampton - mframpton@ucdavis.edu - 530 - 752 - 3273

May 17, 2023

The Honorable Jamar Walker  
Walter E. Hoffman United States Courthouse  
600 Granby Street  
Norfolk, VA 23510-1915

Dear Judge Walker:

I am delighted to recommend Daniel Stainkamp for a clerkship in your chambers. From the very first month I knew Daniel, I could imagine him as a law clerk: both his talent and temperament make him perfectly suited for the role. Daniel is a deep thinker, a beautiful writer, and an extremely mature professional. His work ethic is exemplary, and his earnestness, good humor, and thirst for constructive feedback make him a delight to work with.

I have known Daniel since his first semester of law school, when he became a student in one of my Research, Reasoning, Writing, and Advocacy (RRWA) I classes at UNC Law. (In fact, I remember meeting Daniel during orientation, where I was impressed by his maturity, drive to succeed, and the thoughtfulness of the questions he asked even before starting his legal education.) As a 2L, Daniel chose to enroll in my upper-level Writing for Practice class.

Both RRWA and Writing for Practice are simulation courses taught in small sections. They provide foundational, practice-oriented instruction to help students develop the skills necessary to communicate professionally as attorneys. Because of the size and intensity of these classes, I have gotten to know Daniel very well over the last two years. I've read multiple drafts of his writing across a variety of genres and met with him for about ten required individual conferences. But Daniel didn't stop there: in both classes he took with me, Daniel submitted extra drafts for my review and comment and requested additional meetings to work on specific research and writing skills. We've also met to discuss course selection, topics for his law review comment, possible career paths in the law, and clerkships. As a result, I have first-hand knowledge of Daniel's intelligence and talent, as well as what it's like to work closely and collaboratively with him.

One of the qualities that distinguishes Daniel from his peers is the sophistication of his thought process. Daniel is a rigorous thinker who approaches difficult issues with care and nuance. As we worked through various assignments in class, I could see Daniel's thinking on the relevant legal issues evolve and sharpen, not only after conversations with me—which isn't unusual—but more impressively, after careful and focused independent thought. Perhaps it is his training in philosophy, or the fact that he is older and more mature than many junior attorneys, but Daniel's habits of mind and capacity for deep thinking allow him to reach an incredibly rich and textured understanding of a variety of legal issues.

I would confidently entrust Daniel with the thorniest legal research problems. He was already a strong legal researcher during his 1L year, when he performed well on RRWA's research assessments and demonstrated a firm grasp on research strategy and techniques. Since then, Daniel has only sharpened his research skills through his upper-level courses, employment, including as a research assistant for several professors, and his position on Law Review. I know his work at WilmerHale this summer will give him plenty of hands-on, real-world research training.

Daniel's legal writing is top-notch. His careful, analytical thinking translates to well-organized and impeccably supported written work product. He is especially good at synthesizing a large volume of authorities into cogent rules, selecting key cases to discuss in detail, and thoroughly applying the resulting legal framework to particular facts.

But more than just being a high-caliber legal writer, Daniel has a gift with words. As a first assignment in my upper-level class, I asked students to submit a brief autobiography of themselves as a legal writer. Daniel's began, charmingly, with an explanation of his relationship to the written word more broadly, first as an enthralled listener to his mother's bedtime stories, and then as a writer across a variety of genres: poems, 'zines, short stories, journalistic articles, and even letters to loved ones. The whole thing was, quite frankly, a delight, and his reflections about the relationship between creative and legal writing were insightful. Daniel has written memos that impressed me, briefs that persuaded me, and blog posts that made me laugh out loud. In his final feedback, I wrote that his prose was "a joy to read."

Daniel's oral communication skills match his writing. He thinks on his feet and can articulate complex ideas clearly and persuasively. Daniel's class contributions consistently reflected thoughtful preparation and always elevated the discussion; in fact, his perceptive questions often helped me explain things more clearly, and occasionally even prompted me to reexamine legal writing conventions. Daniel comes to individual meetings with a clear agenda, and when he works in small groups, he consistently keeps his group on task and engaged.

Interpersonally, Daniel is thoughtful, earnest, and caring. He is a true friend to his fellow students. And once Daniel is comfortable in a work environment, his sense of humor shines through (always, I should note, in appropriate ways). He is hard-working and committed, consistently completing tasks for class both thoroughly and well ahead of schedule. Finally, he is steadfastly devoted to public service and specifically to improving the lives of vulnerable communities. I have no doubt that he

Rachel Gurvich - [gurvich@email.unc.edu](mailto:gurvich@email.unc.edu)

will use his legal education to effect positive change in the world.

In short, I believe Daniel would be an invaluable addition to your chambers. I would be happy to answer any questions you may have about Daniel. Please feel free to contact me directly at (617) 640-9764 or [gurvich@email.unc.edu](mailto:gurvich@email.unc.edu).

Best regards,

Rachel Gurvich

Rachel Gurvich - [gurvich@email.unc.edu](mailto:gurvich@email.unc.edu)



May 17, 2023

The Honorable Jamar Walker  
Walter E. Hoffman United States Courthouse  
600 Granby Street  
Norfolk, VA 23510-1915

Dear Judge Walker:

I am delighted to write in support of Daniel Stainkamp's application to serve as a clerk in your chambers. Dan has been twice my student, served as a research assistant for me this past summer, and I advised him on his current law review comment. Everything I know about Dan tells me that he would make an excellent addition to any judicial chamber.

I first came to know Dan as a student in my first-year criminal law course in the spring of last year. He immediately distinguished himself as one of the most thoughtful contributors to our classroom discussions. What struck me was the range of his mind. Some students do well during policy discussions; other are strong on the intricacies of fine doctrinal points; still others are particularly good at seeing the connection between the law and the realities of how the criminal justice system operates in practice. Dan excelled at all three. This reflected itself on the final exam, where Dan earned one of the very few straight A's awarded that semester. I ask three very different types of question on these exams: an issue spotting question that turns on fine doctrinal points, a closing argument question where students must argue both sides of an ambiguous set of facts, and a policy question that requires students to analyze and redraft a proposed statute. Dan unsurprisingly did a great job on all three.

I was so impressed with Dan that I offered him a job working as a Research Assistant for me during the summer. He had already been offered some great summer opportunities, but he said that he would make time for a part time position with me. I drew on Dan's editorial skills for work on two very long manuscripts. He proved himself to be one of the most productive RA's I have ever employed, finishing both manuscripts in record time. His work was also meticulous: he worked fast yet carefully.

Dan sought me out in the fall at the early stages of his work on his law review comment on driver license restoration. I offered some preliminary thoughts and have now reviewed the draft he has of the comment. Even though unfinished I recommend it very highly to you. The draft reveals a graceful writing style, comprehensive research and careful analysis. Dan's work is far, far ahead of what most second year law students can produce in the way of legal scholarship.

Finally, Dan was once again my student in the criminal procedure investigation class that I taught this past semester. I could always count on him to raise his hand when the rest of the class was stumped by a particularly difficult question, and he always came up with the right answer to the questions that had clear answers and a useful contribution on the questions that did not.

I give Daniel Stainkamp my highest recommendation for a position as a judicial clerk in your chamber. Please do not hesitate to contact me if I can provide any further information in support of his application.

Sincerely,

Joseph E. Kennedy  
Martha Brandis Professor of Law

Joseph Kennedy - kennedy4@email.unc.edu - 919.843.3505

## Daniel E. Stainkamp

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### WRITING SAMPLE A

I wrote the following motion memorandum in Spring 2022 as the final assignment for Research, Reasoning, Writing, and Advocacy II, UNC Law's first-year legal writing seminar. I was awarded a Certificate of Merit for earning the highest grade in this course. This is my own independent writing, unedited by others.

The assignment was to draft a memorandum in support of a Rule 56(a) motion to for summary judgment. The client for the exercise was the defendant in a suit filed under the Lanham Act, 15 U.S.C. §§ 1125 *et seq.*

The parties and facts are all hypothetical, and the legal analysis was based on a closed universe of cases as chosen by the legal writing faculty. Several of those cases were edited for the assignment.

Case No. C21-1986

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
TUCSON DIVISION

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TRILÁTERO TEX-MEX, LLC,  
Plaintiff,

v.

HECTOR'S RESTAURANTS, LLC,  
Defendant.

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**DEFENDANT HECTOR'S RESTAURANTS LLC'S MEMORANDUM  
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

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## INTRODUCTION

This case is about one restaurant’s false claim of ownership over the triangle. Plaintiff’s action would cause Hector’s to face bankruptcy simply because both restaurants’ customers enjoy foods served on triangular tortillas. In 2007, Plaintiff opened a restaurant with a brand identity built around triangular tortillas. Compl. ¶ 6; Ex. A, at 8:20-28. Using a quick and inexpensive manufacturing process to prepare the tortillas, Plaintiff designed a majority-triangular menu, claimed triangular tortillas taste better, and advertised their functionality as nachos. Compl. ¶¶ 9-17.

In 2018, Hector’s incorporated triangular tortillas to augment its existing menu of authentic Mexican fare. Compl. ¶ 20. Both restaurants have benefited from serving triangular tortillas. *See* Compl. ¶¶ 11-14; Ex. A, at 14:9-14. Plaintiff seeks to enjoin Hector’s from serving triangular tortillas. Compl. ¶ 30. But the Lanham Act entitles businesses to compete and innovate using designs within the same shape category, so long as they’re functional. *See TrafFix Devices, Inc. v. Marketing Displays, Inc.*, 532 U.S. 23, 29 (1997). Examples of functional food shapes served by multiple restaurant chains abound — nachos are a paradigmatic example.

The key question here is whether Plaintiff’s use of triangular tortillas is entitled to Lanham Act protection. The answer is no, and summary judgment is appropriate because there is no genuine dispute as to the fact that Plaintiff’s triangular tortillas are functional. The court should find triangular tortillas to be functional as a matter of law, deny trade dress protection for triangular tortillas, and grant Hector’s motion for summary judgment.